

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
Tuesday, September 7, 2010
7:30 p.m.

Mayor Joy Shull called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Council member Dilg offered the invocation.

Roll call showed the following present:

Vice Mayor Linden A. Fravel, Jr., Council member Bowers, Council member Dilg,
Council member Joseph Grayson, Council member James Harter and Council member
Joseph Hollis

Staff present: Brian Henshaw, Town Planner/Asst. Town Manager; David Griffin, Town
Attorney; Charles Bockey, Chief of Police; Kim Uttenweiler, Town Treasurer; Dianne
MacMillan, Town Clerk

Press: Joel Danoy, Winchester Star

Guests: Lisa Bauserman, Jason Nauman

AGENDA

On motion by Councilmember Fravel the Agenda for September 7, 2010 was adopted by
consensus.

PUBLIC COMMENTS

Mayor Shull opened the floor for public comments on any topic not included in the
Agenda. There were none.

MINUTES – August 3, 2010 Regular Meeting

Council member Hollis moved for approval of the minutes of August 3, 2010 as
corrected and the motion carried with the following vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

TREASURERS REPORT – Kim Uttenweiler

Mayor Shull announced that the members had the treasurer's report for information and
asked if there were any questions. There being none, the treasurer's report was accepted as
presented.

POLICE REPORT – Charles Bockey, Chief

Mayor Shull announced that the members had Chief Bockey's police report for information and asked if there were any questions. She asked if the holiday weekend had been quiet and Chief Bockey replied that it had. He added that the Sherando homecoming parade was coming together. The parade permit was submitted for VDOT approval with the required fee.

ACTION AGENDA

A. Ordinance to Repeal and Re-enact Chapter 18, Subdivisions – Code of the Town of Stephens City – Second and Final Reading

Mayor Shull requested that the Clerk read the ordinance by title only for the second and final reading. The Clerk read "An Ordinance to Repeal and Re-enact Chapter 18, Subdivisions of the Code of the Town of Stephens City, Virginia." Vice Mayor Fravel moved to approve the Ordinance for the second and final reading and the motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

B. Appointments to Planning Commission

The Mayor advised that there were still two vacancies on the Planning Commission and added that their resumes were presented to Council. She asked Mr. Henshaw for comments. He introduced the two prospective members who were present – Lisa Bauserman and Jason Nauman. He said they were advised of the duties of the Planning Commission and were willing to serve. Council member Hollis moved that Council appoint Lisa Bauserman and Jason Nauman to the Stephens City Planning Commission both terms to expire June 30, 2012 and the motion was passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

Mayor Shull welcomed the two new members of the Planning Commission and said she looked forward to working with them in the future.

COMMITTEE REPORTS

A. Administrative Committee – Joseph Hollis, Chair

No report.

B. Finance Committee – Joseph Hollis, Chair

Council member Hollis reported that the Committee would propose to authorize the Treasurer to go back twelve months to collect past due utility billings. He reported that the Town had outstanding utility billings back to six years and at this point what the Committee decided was that anything past a year would be very difficult to collect and the Town should concentrate on the last twelve months and put teeth into that. Council member Hollis moved to authorize the Town Treasurer to go back and collect utility bills outstanding for twelve months or less. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

Council member Hollis advised that upon recommendation for the Water/Sewer Committee the Finance Committee reviewed the water/sewer deposit and proposed an increase. Council member Hollis moved to hold a public hearing at the October Council meeting to increase the water/sewer deposit from \$100.00 plus \$25.00 service fee to \$200.00 plus \$25.00 service fee and increase the bounced check fee to \$50.00 from \$25.00. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

Council member Hollis stated that the Town needed to make a transfer in funds and recommended that \$50,000.00 be transferred from General Fund to CIP General Fund to cover expected grant reimbursement due soon. Council member Bowers moved that Council authorize the transfer of funds. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

Mayor Shull advised that the Town needed to address writing off taxes under \$10.00 the reason being that the cost of certified letters, and labor to prepare the letters was costly. Mr. Griffin, Town Attorney on being asked, advised that the Treasurer could remove the amounts from the books if directed to do so by Council. Council member Hollis said this was discussed by the Committee but thought nothing had been decided. Council member Fravel if this would apply to any real estate bill and personal property bill under \$10.00 or a combination of the two. He said that if the two were combined for a greater amount, it should not be written off. Council member Hollis stated that this would be discussed further and a recommendation brought back to the next Council meeting.

C. Public Works Committee – Joseph Grayson, Chair

No meeting

D. Water/Sewer Committee – Jim Harter, Chair

Council member Harter reported that the Committee met and the issues discussed were addressed by the Finance Committee as recommended.

E. Personnel Committee – Martha Dilg, Chair

No meeting – no report.

F. Public Safety Committee – Ronald Bowers, Chair

No report.

G. Parks and Recreation Commission – Ronald Bowers, Chair

Council member Bowers reported several issues to bring before Council. He stated that the war memorial was in the making and the Committee would meet on the 27th at 7 pm to finalize the location and sketch for the memorial. He noted that there was a tentative marking at the Commons for the location which could change. He said that anyone who would like to attend on the 27th was welcome. Council member Hollis asked if there was a design and Council member Bowers said there was a sketch and the Committee would be asking for approval subject to changes in materials and labor. He said it would be addressed on the 27th. He added that he would bring the sketch to next council meeting.

Council member Bowers noted that the Committee was recommending changes to the existing Rules and Regulations for the use of the facilities at the Commons. He said that the reason for the increase was that the Town had to pick up the cost of propane, maintenance and electric for the concession building. He said the increase in rates would help to offset these costs. Mr. Griffin was asked if a public hearing was needed and he advised that these were charges that are set by ordinance giving Council authority to set these fees. Council member Bowers said there was also an addition of a “hold harmless” paragraph. Council member Bowers moved that the Town Council approve the proposed changes as noted in the attached proposal. The motion was passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

C. Appointment to Shenandoah Regional Commission/Appointment to Administrative Committee

Mayor Shull stated that after discussion with Council member Martha Dilg, she had agreed to serve on the Administrative Committee of the Town Council and on the Shenandoah Regional Commission. Council member Harter moved that Town Council approve the appointment of Martha Dilg to both bodies. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

PLANNER'S REPORT – Brian Henshaw

Mr. Henshaw, Town Planner called the Council members attention to the brochure suggested by HPC to be distributed to owners and tenants in the Historic District.

He reported that the HPC had been very busy and was asking approval for a new sign project. He said this project was approved in the CIP as far as funds. He added that this was essentially a continuation of the beautification efforts which began with the banner program and continued with the street restriping. He said the proposal was to replace the street signs within Town with signs with a mounted bracket with a top with signs in a different style. He showed the prototype. Mr. Henshaw said the initial phase would be done in the historic district and on Main Street and would then come back the next fiscal year to do the remainder of town. He said the installation would be done in house and they were also looking to including new way-finding signs for the town office, post office, historic district and, fire & rescue services. He asked for approval to continue with project. Council member Hollis asked the color proposed and Mr. Henshaw said it would be black and white in the historic district but would go to green in the remainder of town but all would be in the same style bracket. He said the cost would be close to \$10,000 for the entire project. Council member Dilg asked if the signs would be reflective and she was advised they would be. Council member Fravel asked again where the funding would come from. Mr. Henshaw answered that the project was in the CIP. Council member Bowers

moved that the Town Council grant approved to proceed with the project. The motion as passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

TOWN MANAGERS REPORT – Brian Henshaw, Assistant Town Manager

1. Mr. Henshaw reported that the parking lot at the town office had been patched in several places and coated and sealed and looked great. He noted that one portion needed to be repaired that was not included in the contract. He stated the Mr. Kehoe had approved the change and asked that Council approved the additional \$1000.00 for the cost.

Council member Hollis moved to approve the change order of \$1000.00 to the contract for patching and sealing the lot at the Town Office. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nays - None
Council member Bowers	-	Aye	Absent - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

2. Mr. Henshaw said that the lot would be restriped soon. He added that Prosperity Landscaping was also installing plants in front of the Police Department. He said it was noted at the time of paving that the asphalt went right to the side of the building which was not attractive or safe. The planting will provide a buffer between the pavement and the side of the building.
3. Mr. Henshaw reported that the fees for the use of the Commons for the Sherando Homecoming were usually waived. He added that the concession stand would not be used by them this year. Council member Bowers moved to waive the user fees for the Newtown Commons for the Sherando High School homecoming this month and the motion passed.
4. He also reported that the Old School renovation was coming along with Lantz Construction making progress and the project should be completed by November.
5. Mr. Henshaw reminded the members of the VML Conference, October 3-5 and said if anyone was interested there was still time to register.
6. He also reported that the Capon Valley Bank had officially opened. He added that it was a soft opening and they would have a grand opening later in the year. He said that it was

nicely renovated. Council member Hollis noted the Town would now receive bank franchise tax again.

COUNCIL COMMENTS/CALENDAR

Council member Bowers said that if anyone would like to take a look at the memorial plans, the Mayor had a copy. He added that the person who did the drawing is an associate member of the committee, retired from the Corps of Engineers and did it at no cost to the town.

Mayor Shull asked for any comments or changes to the calendar. Council member Dilg, Chair of the Personnel Committee requested that the meeting be moved to Tuesday the 14th at 5:00 pm. The Mayor said that job descriptions needed to be reviewed at the meeting and an agenda will be drawn up by the Mayor and Town Manager.

MOTION FOR CLOSED MEETING

Date: September 7, 2010

Motion By: Council member Harter

I move that the Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.3 of the Code of Virginia, 1950, As Amended, for the purpose of discussion or consideration of the acquisition of real property for public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

VOTE:

Aye – Vice Mayor Fravel
Council member Bowers
Council member Dilg
Council member Grayson
Council member Harter
Council member Hollis

Nay – None

Absent/Abstain - None

ATTEST: _____
Dianne L. MacMillan, CMC
Town Clerk

Council member Bowers moved to return to open session and the motion passed.

CERTIFICATION OF CLOSED MEETING
RESOLUTION

Date: September 7, 2010

Motion By: Council member Harter

WHEREAS, the Council of the Town of Stephens City, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such Closed Meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

RECORDED ROLL CALL VOTE:

Aye – Mayor Shull

Vice Mayor Fravel

Council member Bowers

Council member Dilg

Council member Grayson

Council member Harter

Council member Hollis

Nay – None

Absent /Abstain - None

ATTEST:

Dianne L. MacMillan, CMC, Town Clerk

There was no action taken as a result of Closed Session.

There being no further business, Council member Harter moved to adjourn at 8:25 p.m. and the motion carried.

Joy B Shull, Mayor

Dianne L. MacMillan, CMC, Town Clerk